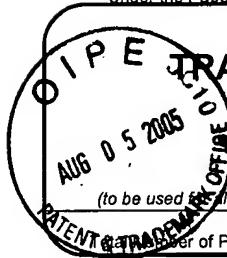


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PATENT AND TRADEMARK OFFICE  
Number of Pages in This Submission

Application Number	10/817,058
Filing Date	April 2, 2004
First Named Inventor	BAKER, et al.
Art Unit	1653
Examiner Name	Mayer, Suzanne Marie
Attorney Docket Number	BA-32448(1)

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AF  
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ENCLOSURES (Check all that apply)	
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)
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<input checked="" type="checkbox"/> <b>RESPONSE (12 pages)</b> Amendment/Reply	<input type="checkbox"/> Petition
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks
<b>After Allowance Communication to TC</b>	
<b>Appeal Communication to Board of Appeals and Interferences</b>	
<b>Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)</b>	
<b>Proprietary Information</b>	
<b>Status Letter</b>	
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
Supporting documents and return postcard	
<b>Declaration Under Rule 131</b>	
<b>Form 1449</b>	
<b>Copy of 4 references</b>	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Whyte Hirschboeck Dudek S.C.		
Signature			
Printed name	Kristine M. Strothoff		
Date	8/5/05	Reg. No.	34,259

**CERTIFICATE OF TRANSMISSION/MAILING**

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. BA-32448(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BAKER et al.  
Serial No. : 10/817,058  
Filing Date : April 2, 2004  
For : Method of Treating Cardiac Ischemia by Using Erythropoietin  
Group Art Unit: 1653  
Examiner : MAYER, Suzanne Marie  
Confirmation No.: 2664

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

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**RESPONSE AFTER FINAL**

Sir:

Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

**Amendments to the Claims** are reflected in the listing of the claims, which begins on page 2 of this paper.

**Supplemental Information Disclosure Statement** begins on page 7 of this paper.

**Remarks** begin on page 8 of this paper.

**Appendix** begins at page 12 of this paper.

Declaration under 37 CFR § 1.131

Form 1449/PTO and copy of four (4) references